

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:19-CR-00228
v.	§	
	§	Judge Mazzant
BYRON ALCIDES BERGANZA ESPINA	§	

**ELEMENTS OF THE OFFENSE**

The defendant is charged in Count One of the Indictment with a violation of 21 U.S.C. § 963, Conspiracy to Manufacture and Distribute Cocaine Intending, Knowing, and with Reasonable Cause to Believe that the Cocaine will be Unlawfully Imported into the United States. The essential elements which must be proven to establish the offense are as follows:

- First: That the defendant and one or more persons, in some way or manner made an agreement to commit the crime charged in the Indictment, that is, to manufacture and distribute Cocaine intending, knowing, and with reasonable cause to believe, that the Cocaine will be unlawfully imported into the United States;
- Second: That the defendant knew of the unlawful purpose of the agreement;
- Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
- Fourth: That the overall scope of the conspiracy involved 5 kilograms or more of a mixture or substance containing a detectable amount of Cocaine; and
- Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved 5 kilograms or more of a mixture of substance containing a detectable amount of Cocaine.

Respectfully submitted,

BRIT FEATHERSTON  
UNITED STATES ATTORNEY

/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to  
defense counsel on August 5, 2022.

/s/\_\_\_\_\_  
COLLEEN BLOSS  
Assistant United States Attorney